

*By wyo  
ORIGINAL*IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JAMES HUMPHRIES,

Plaintiff,

vs.

STREAM INTERNATIONAL, INC.

and

SOLECTRON TEXAS, INC. a/k/a  
SOLECTRON CORPORATION,

Defendants.

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**ORIGINAL**  
FEB 16 2005  
CLERK, U.S. DISTRICT COURT  
By *M*

Civil Action Number: 3:03-CV-1682-B

**AGREED MOTION TO EXTEND  
DEADLINE TO SUBMIT DISMISSAL PAPERS**

The named Plaintiff James Humphries, on Behalf of Himself and Others Similarly Situated (“Plaintiffs”), and Defendants Stream International Inc. and Solelectron Corporation file this Agreed Motion to Extend Deadline To Submit Dismissal Papers and would show the Court as follows:

**I.**

**Introduction.**

Plaintiff James Humphries filed this collective action on behalf of himself and others similarly situated on July 23, 2001, alleging that Defendants violated the Fair Labor Standards Act (“FLSA”). The parties mediated this matter with Cecilia Morgan on January 12, 2005 after an arms length negotiation and reached a settlement. The Court entered an order requiring the parties to submit dismissal papers by February 14, 2005. Settlement papers have been drafted, but counsel for the parties and their clients are still in the process of reviewing those papers. The settlement process of a collective action is complicated and the parties need time to consider the

language of the documents and seek court approval of the settlement. Because of these factors, the parties need additional time to submit the appropriate paperwork to the Court to obtain approval of the settlement and dismissal of the lawsuit.

## II.

### Argument and Authorities.

To properly settle an FLSA collective action, court approval is required. *Brooklyn Savings Bank v. O'Neil*, 324 U.S. 697, 706 (1945); *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1354 (11<sup>th</sup> Cir. 1982).

The details of the settlement terms and motion for court approval are complicated and require additional time for counsel to review and discuss with their multiple clients. The parties are not renegotiating settlement terms but are attempting to ensure that the settlement is properly executed. For example, each individual Plaintiff must execute a release agreement and many of them reside out of state. Each will have questions that need to be answered. The parties believe that all twenty Plaintiffs must execute their releases before they can submit a request for approval of the settlement to the Court. Therefore, the parties seek additional time to submit a motion for approval of the settlement and dismissal papers to the Court. The parties respectfully request that the Court grant them until March 30, 2005 to do so.

## III.

### Conclusion.

WHEREFORE, premises considered, the parties respectfully request that the Court grant them until March 31, 2005 to submit a motion seeking approval of the settlement and an Agreed Final Judgment.

Respectfully submitted,

*J. Derek Braziel / J.D.Y.*

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